S.B. CIVIL WRIT PETITION NO.5772/2004.

Ashraf Ali
Vs.
State of Rajasthan & Ors.

Date of Order :: 23rd August 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. S.L. Jain, for the petitioner.
Mr. Rameshwar Dave, Dy.G.A., for the respondents.

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By way of this writ petition, the petitioner has sought the relief that the respondents be directed to execute the order passed by this Court on 26.08.1997 in writ petition No.1062/1991. By the said order dated 26.08.1997 (Annex.3), this Court has disposed of the writ petition filed by the petitioner with the following observations:-

> "No further orders are necessary in view of the interim order dt. 14.3.91. The petition stands disposed of in terms of that order."

The order dated 14.03.1991 has been reproduced in the writ petition by the petitioner and reads as follows:-

> "Meanwhile, respondents shall first issue appointments to the persons selected in pursuance of the advertisement No.1/89 and thereafter, proceed as per the direction given by this Court in Rajvendar and others V/S. State and Others (S.B.C.W.P. No.3663/90) decided on 20.11.90."

The order aforesaid was made by this Court in the circumstances that in the year 1989 an advertisement was

published by Zila Parishad, Bikaner for recruitment to posts of Teacher Grade-III; the petitioner applied for the same, he was called for interview and in the select list issued on 16.01.1990 his name appeared at Sl.No.153; the Zila Parishad offerred appointments to 30 candidates but an order was issued by the State Government on 07.03.1990 staying such appointments and for recruitment directions were issued on 11.07.1990; however, this Court quashed the aforesaid directions and the Zila Parishad was directed to provide appointments to the persons who were selected prior to issuance of such directions; and,then, the petitioner approached this Court in the aforesaid writ petition No.1062/1991 on the allegation that the candidate standing at Sl.No.170 was given appointment as Teacher Grade-III.

It appears from the narrations in the writ petition that the petitioner sent a notice for appointment in pursuance of the aforesaid order made by this Court and on the respondents failing to offer him appointment, filed a contempt petition No.211/1997 that was dismissed on 05.07.1999 (Annex.4) for being barred by limitation. The petitioner has averred that he made representation on 22.09.1997; that the Department had taken decision not to file appeal in the matter and the order dated 26.08.1997 was to be complied with; that the compliance was to be made by the District Education Officer

(Primary Education) because appointment of the Teacher Grade-III is to be made by the Education Department; that the Deputy Secretary, Rural Development by the letter dated 23.06.1998 (Annex.8) asked for the orders issued in compliance of the Court's order and for a copy of reply to the contempt petition but the Director (Primary Education) pointed out to the Director, Rural Development Department that compliance of the order was to be made by the Panchayati Raj Department.

The petitioner has raised the grievance that instead of giving appointment, the Departments concerned were merely engaged in correspondence and were putting blame on each other; and the petitioner being a poor person could not afford to approach the Court again and again and in the hope that he will get the appointment, made representations to the Department and the Department assured the petitioner that they were proceeding in the matter.

The petitioner has also referred to a letter dated 12.07.2002 issued by the Legal Remembrancer to the Director (Primary Education) seeking the information about the appointments made from the select list prepared under the advertisement No.1/1989; has also referred to a DO letter sent by the Secretary (Primary Education) on 12.01.2004 to the Chief Executive Officers asking for information about such

appointments. The petitioner has, then, referred to a representation made by him on 26.08.2004 (Annex.13) alleging that he had not been provided appointment despite orders of the Court, though the person at Sl.No.170 was offered appointment.

Apart from the fact that the order dated 26.08.1997 read with the order dated 14.03.1991, as referred by the petitioner, was not of positive directions of offering appointment to the petitioner, the fact remains that a contempt petition filed by the petitioner alleging disobedience of the said order was rejected, of course as barred by limitation, as back as on 05.07.1999. The representation made five years thereafter by the petitioner does not clarify the reason for such delay on the part of the petitioner; and this writ petition has been filed only on 03.11.2004. Moreover, the respondents have stated in their reply that appointment has not been given to any candidate less meritorious than the petitioner; that there is no any sanctioned post of Drawing Teacher in the Education Department; and further that presently the power of recruitment of Teacher Grade-III has been assigned to RPSC and the petitioner is not having eligibility for general teacher.

Having regard to the overall facts and circumstances of the case, as noticed above, this Court is clearly of opinion that nothing further survives in this matter and the petitioner is not

entitled for any relief at this length of time in relation to the selection process under the advertisement No.1/1989; nor there appears any justification to issue any directions against the respondents at this stage and the petition could only be said to be redundant.

The petition is, therefore, dismissed.

(DINESH MAHESHWARI), J.

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